

The Board concludes that the ALJ's preliminary hearing Order should be affirmed. The Board finds this conclusion is supported by the fact that claimant before this alleged work injury had suffered previous back injuries. Those previous back injuries were both work-related claims and a nonwork-related automobile negligence claim.

Both claimant and his supervisor, Wayne Berger, testified before the ALJ. The Board finds there were various inconsistencies between claimant's testimony and Mr. Berger's testimony. Those inconsistencies coupled with the non-persuasive medical evidence offered by claimant and admitted into the preliminary hearing record failed to prove that claimant's current complaints are related to the two days he worked for respondent.

WHEREFORE, it is the finding, decision, and order of the Board that ALJ John D. Clark's February 26, 2002, preliminary hearing Order should be, and is hereby, affirmed.

IT IS SO ORDERED.

Dated this ____ day of April 2002.

BOARD MEMBER

c: Joseph Seiwert, Attorney for Claimant
William Townsley, Attorney for Respondent
John D. Clark, Administrative Law Judge
Philip S. Harness, Workers Compensation Director